

1 BARRY J. PORTMAN
Federal Public Defender
2 ELIZABETH M. FALK
Assistant Federal Public Defender
3 19th Floor Federal Building
450 Golden Gate Avenue
4 San Francisco, CA 94102
(415) 436-7700
5
Counsel for Defendant APPLE GATE
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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) No. CR 06-173 JCS
11)
Plaintiff,)
12) **MOTION TO CONTINUE SENTENCING**
v.) **HEARING; [~~PROPOSED~~] ORDER**
13)
APPLE GATE,) Date: November 17, 2006
14) Time: 10:30 a.m.
Defendant.) Court: The Honorable Joseph C. Spero
15)

16 The parties hereby stipulate and request as follows;

- 17 1. This Court ordered that Mr. Gate be appointed opinion counsel in connection with
18 his plea agreement;
- 19 2. On November 7, 2006, the Court appointed special counsel Brian Getz to offer a
20 second opinion to Mr. Gate;
- 21 3. Through no fault of Mr. Gate, Mr. Getz was not able to meet with Mr. Gate in
22 person on November 7, 2006;
- 23 4. It is undersigned defense counsel's understanding that Mr. Getz and Mr. Gate
24 have conferred over the telephone, and are arranging an in-person meeting at the
25 end of this month;
- 26 5. As such, the parties jointly stipulate and respectfully request this Court to continue

1 Mr. Gate's sentencing to Friday, December 15, 2006, at 10:30 a.m.;

- 2 6. Should undersigned defense counsel learn in advance of December 15th that
3 further proceedings before this Court are necessary, she will submit information to
4 this Court in a timely manner and request earlier action on the part of the Court.

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6 Dated: November 13, 2006

7 _____/S/
8 ELIZABETH M. FALK
9 ASSISTANT FEDERAL PUBLIC DEFENDER

10 Dated: November 13, 2006

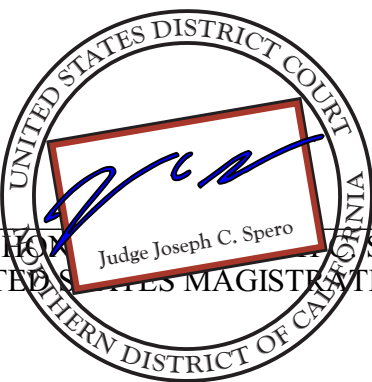
11 _____/S/
12 TRACIE L. BROWN
13 ASSISTANT UNITED STATES ATTORNEY

14 ~~[PROPOSED]~~ ORDER

15 For the reasons stated herein, the sentencing of the above-referenced case is hereby
16 CONTINUED to Friday, Dec. 15, 2006, at 10:30 AM.

17 IT IS SO ORDERED

18
19 Dated: November 15, 2006

20  THE HONORABLE JUDGE JOSEPH C. SPERO
21 UNITED STATES DISTRICT JUDGE
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